

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TONY C. HEWITT,

Plaintiff,

vs.

JOHN PEERY, *et al.*,

Defendants.

3:11-cv-00301-LRH-RAM

ORDER

Plaintiff has submitted a civil rights complaint pursuant to 42 U.S.C. § 1983 and an application to proceed *in forma pauperis*.

On May 3, 2011, plaintiff filed a notice informing the Court that he does not wish to pursue this case. (ECF No. 3). The notice reads: "I will not be pursuing case 3:11-cv-00301-LRH-RAM any further at this time. Please be advised that I do not want this case reviewed any further by your judicial officer." (ECF No. 3). The Court construes this as a notice of voluntary dismissal. Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, an action may be dismissed by plaintiff by filing a notice of dismissal before service by the adverse party of an answer or of a motion for summary judgment. None of the defendants named in this action have been served with the complaint, thus they have not filed an answer or other responsive pleading.

IT IS THEREFORE ORDERED that, pursuant to plaintiff's notice of voluntary dismissal, this action is **DISMISSED WITHOUT PREJUDICE**.

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IT IS FURTHER ORDERED that the Clerk shall enter judgment accordingly.

Shirley

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